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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ZHIGANG BAI and JINGXU ZHAO,

Plaintiffs,

v.

MICHAEL CHERTOFF, Secretary;

EMILIO T. GONZALEZ, Director, CIS;

GERARD HEINAUER, NSC Director

Department of Homeland Security;

ROBERT S. MULLER, Director

Federal Bureau of Investigation,

Defendants.

No. C 07-5251 SI

**STIPULATION TO EXTEND DATE OF
CASE MANAGEMENT CONFERENCE;
AND [PROPOSED] ORDER**

The plaintiffs, by and through their attorney of record, and defendants, by and through their attorneys of record, hereby stipulate, subject to approval of the Court, to a 90-day extension of the case management conference, currently scheduled for January 25, 2008, in light of the following:

1. The plaintiffs, husband and wife, are natives and citizens of China who filed Form I-485 applications to adjust their status to lawful permanent resident with the United States Citizenship and Immigration Services (USCIS) on or about September 26, 2005.
2. The I-485 applications are pending with USCIS.
3. A case management conference is currently scheduled for January 25, 2008, at 2:00 p.m.
4. The USCIS has been unable to adjudicate the plaintiffs' I-485 applications because the FBI

STIPULATION TO EXTEND CMC
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1 has not yet completed the name check of plaintiff Zhigang Bai.¹

2 5. The parties believe there is a reasonable possibility that the FBI will complete the name
3 check of plaintiff Zhigang Bai within the next 90 days and that USCIS will then be able to
4 adjudicate the plaintiffs' I-485 applications.

5 Accordingly, the parties respectfully ask this Court to extend the date of the case management
6 conference, currently scheduled for January 25, 2008, by ninety days. The parties would ask this
7 Court to re-set the case management conference for April 25, 2008.

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9 Dated: January 14, 2008

/s/
AUDRA R. BEHNE
Attorney for Plaintiffs


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13 Dated: January 14, 2008

/s/
EDWARD A. OLSEN
Assistant United States Attorney
Attorney for Defendants

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16 **ORDER**

17 Pursuant to stipulation, IT IS SO ORDERED.

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19 Dated: January __, 2008



SUSAN ILLSTON
United States District Judge

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28 ¹Although the FBI has completed the name check for plaintiff Jingxu Zhao, the USCIS cannot yet adjudicate her I-485 application because she is a derivative of her husband's I-485 application.